



Frank W. Volk
Frank W. Volk, Chief Judge
United States Bankruptcy Court
Southern District of West Virginia

**UNITED STATES BANKRUPT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: PHILIP RICHARD ROGERS and JILL DENISE ROGERS, Debtors.	CASE NO. 2:10-bk-21060 CHAPTER 7 JUDGE FRANK W. VOLK
PHILIP RICHARD ROGERS and JILL DENISE ROGERS, Plaintiffs, v. SELENE FINANCE, LP, Defendant.	ADVERSARY PROCEEDING NO. 2:14-ap-02068

MEMORANDUM OPINION AND ORDER

Pending are Debtors' Philip and Jill Rogers' Motion for Contempt against Selene Finance ("Selene") for Violation of the Automatic Stay [Dckt. No. 93], the Rogers' Motion for Contempt Against Selene for Breach of Court-Ordered Mediated Settlement Agreement [Dckt. No. 94], and Selene's Motion to Dismiss the Adversary Proceeding. [Dckt. No. 111].

Respecting the Rogers' Motion for Contempt Against Selene for Violation of the Automatic Stay, the Rogers' remedy, if any, is to move for contempt, in violation of the discharge injunction, under 11 U.S.C. § 524, insofar as discharge occurred on February 2, 2011, prior to the material events alleged. Accordingly, it is **ORDERED** that the Rogers' Motion for Contempt Against Selene for Violation of the Automatic Stay [Dckt. No. 93] be, and hereby is, restyled as a Petition for Contempt in the main action, which shall be set for evidentiary hearing within two months from the date of entry of this order. It is further **ORDERED** that Selene's Motion to

Dismiss Adversary Proceeding be, and hereby is, **GRANTED** to this extent and otherwise **DENIED** as to its residue.

Respecting the Rogers' Motion for Contempt Against Selene for Breach of Court-Ordered Mediated Settlement Agreement, the motion is more properly understood as one seeking to enforce a settlement. The motion, however, contains no dates, no description of the terms allegedly violated, nor any discussion of whether the terms allegedly violated are material in nature. Accordingly, it is **ORDERED** that the Rogers' motion to enforce a settlement, mislabeled as a Motion for Contempt Against Selene for Breach of Court-Ordered Mediated Settlement Agreement be, and hereby is, **DENIED WITHOUT PREJUDICE** to its refiling on or before April 2, 2017, with the missing information included.